

Federal Emergency Management Agency

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written notice to the contractor, withhold from the contractor such advances, guarantees and accrued payments as are administratively determined necessary to cover any liquidated damages and the restitution due laborers and mechanics employed by the contractor or subcontractor. The State (or political subdivision, as applicable) also has the option of terminating the contract in accordance with its provisions. If there is evidence that these violations were aggravated, willful, or resulted in underpayments of \$500 or more, a detailed report, including information as to restitution made, payments, advances and guarantees of funds withheld, contract terminations, and the name and address of each laborer and mechanic and contractor or subcontractor affected, and the day or days of such violations, shall be submitted by the State to the Federal Emergency Management Agency. Except where the Federal Emergency Management Agency has expressly requested that the investigation be made, no report need be made where the underpayments total less than \$500, if nonwillful, restitution has been made and the State has received assurance of future compliance.

[29 FR 12366, Aug. 28, 1964, as amended at 40 FR 42738, Sept. 16, 1975. Redesignated at 44 FR 56173, Sept. 28, 1979]

§308.7 Certification of compliance.

(a) After the beginning of construction (under a contract involving construction in excess of \$2,000), no payment or advance to the contracting State (or where applicable, to the contracting political subdivision) shall be approved by the Federal Emergency Management Agency unless and until it has received a certification by the contractor that his contract and those of his subcontractors contain the provisions prescribed in §308.4 and that he and his contractors have complied therewith, or that there is a substantial dispute with respect to the required provisions.

(b) Before making final payment on any contract involving construction work in excess of \$2,000, the State (or political subdivision, as applicable) shall submit to the Federal Emergency

Management Agency the following certification, verbatim, in completed form:

CERTIFICATE OF LABOR STANDARDS COMPLIANCE

Knowing that my statements will be relied upon by the Federal Emergency Management Agency, in its payment to the State under an approved project application for a Federal financial contribution under section 201(i) of the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2281) I do hereby certify as follows:

1. That I am the Contracting Officer of _____ (write in the name of the political subdivision and/or State, as applicable), applicant under Federal Emergency Management Agency, Project Application No. _____.

2. That in my official capacity I have personally, or through authorized employee(s) of the above named applicant for purposes of this certification, completed the following: (i) Examinations of all contracts involving construction work in excess of \$2,000 on the civil defense project covered by the aforementioned project application, and all subcontracts thereunder; (ii) examinations of all payrolls and statements required to be submitted under such contracts and comparison with the applicable wage determination decision of the Secretary of Labor as required by §308.5 of subchapter E, chapter I, of title 44 of the Code of Federal Regulations; and (iii) investigations of all indications of alleged labor standards violations including, without limitation, at least one "on the site" labor standards check, and other investigations as required by §308.6 of subchapter E, chapter I, of title 44 of the Code of Federal Regulations.

3. That, based upon the aforementioned examinations and investigations, I have determined that: (i) The labor standards provisions have been included and the applicable wage determination decision has been attached, all as a part of the conditions of each contract involving construction work in excess of \$2,000 and all subcontracts thereunder as required by §308.4 of subchapter E, chapter I, of title 44 of the Code of Federal Regulations; and (ii) the contractor and all subcontractors were in compliance, or have come into compliance, with the labor standards provisions, wage determination decision and Copeland Regulations (29 CFR part 3) except _____ (List names of all contractors not in compliance or if no exceptions, state "none") and \$_____ restitution is due to the employees of the listed contractor

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and/or subcontractors (set forth the amount or "none," in accordance with the facts).

(LS)

(Name of Contracting
Officer)

(Name of State or political
subdivision)

(Dated)

[40 FR 42738, Sept. 16, 1975. Redesignated at 44 FR 56173, Sept. 28, 1979]

PARTS 309–311 [RESERVED]

PART 312—USE OF CIVIL DEFENSE
PERSONNEL, MATERIALS, AND
FACILITIES FOR NATURAL DISAS-
TER PURPOSES

Sec.

312.1 Purpose.

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AUTHORITY: Sec. 803(a)(3) Pub. L. 97–86; sec. 401, Federal Civil Defense Act of 1950, as amended, 50 U.S.C. app. 2253; Reorganization Plan No. 3 of 1978; 3 CFR, 1978 Comp., p. 329; and E.O. 12148 of July 20, 1979, 44 FR 43239.

SOURCE: 47 FR 43381, Oct. 1, 1982, unless otherwise noted.

§ 312.1 Purpose.

The purpose of the regulations in this part is to prescribe the terms and conditions under which civil defense personnel, materials, and facilities, supported in whole or in part through contributions under the Federal Civil Defense Act of 1950, as amended, 50 U.S.C. App. 2251, *et seq.*, hereinafter referred to as "the Act", may be used for natural disasters, to the extent that such usage is consistent with, contributes to, and does not detract from attack-related civil defense preparedness.

§ 312.2 Definitions.

Except as otherwise stated, when used in the regulations in this part, the meaning of the listed terms are as follows:

(a) The term *attack* means any attack or series of attacks by an enemy of the United States causing, or which may cause, substantial damage or injury to

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civilian property or persons in the United States in any manner by sabotage or by use of bombs, shellfire, or atomic-radiological, chemical, bacteriological, or biological means or other weapons or processes;

(b) The term *natural disaster* means any hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, drought, fire, or other catastrophe in any part of the United States which causes, or which may cause, substantial damage or injury to civilian property or persons and, for the purposes of the Act, any explosion, civil disturbance, or any other manmade catastrophe shall be deemed to be a natural disaster;

(c) The term *civil defense* means all those activities and measures designed or undertaken (1) to minimize the effects upon the civilian population caused, or which would be caused, by an attack upon the United States, or by natural disaster, (2) to deal with the immediate emergency conditions which would be created by any such attack, or natural disaster, and (3) to effectuate emergency repairs to, or the emergency restoration of vital utilities and facilities destroyed or damaged by any such attack or natural disaster. Such term shall include, but shall not be limited to, (i) measures to be taken in preparation for anticipated attack or natural disaster (including the establishment of appropriate organizations, operational plans, and supporting agreements; the recruitment and training of personnel; the conduct of research; the procurement and stockpiling of necessary materials and supplies; the provision of suitable warning systems; the construction or preparation of shelter areas, and control centers; and, when appropriate, the non-military evacuation of civil population); (ii) measures to be taken during attack or natural disaster (including the enforcement of passive defense regulations prescribed by duly established military or civil authorities; the evacuation of personnel to shelter areas; the control of traffic and panic; and the control and use of lighting and civil communications); and (iii) measures to be taken following attack or